

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071



June 11, 2012

City of Newport Beach
c/o Brenda Wisneski
Deputy Community Development Director
P.O. Box 1768
Newport Beach, CA 92658

RECEIVED BY
COMMUNITY

JUN 12 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

Re: **NOTICE OF INCOMPLETE APPLICATION**

Coastal Development Permit Application No. 5-12-134 - Removal of beach fire rings
Location: Balboa Pier area and Big Corona State Beach, Newport Beach (Orange County)

Dear Ms. Wisneski:

On May 14, 2012, our office received the subject coastal development permit application. The proposed project is: Removal of 60 beach fire rings, specifically 33 fire rings located near the Balboa Pier and 27 fire rings located at Big Corona State Beach in Corona del Mar.

We have reviewed all of the materials you have submitted and have concluded that additional information needs to be submitted in order to complete your application and schedule it for a public hearing. Please accept this letter as notification that your application is incomplete pending receipt of additional information necessary for a thorough analysis of your project by Commission staff. In order to complete your application please submit the following:

- **Use of the fire rings:** Please submit all data on the number of people who use the fire rings that the city proposes to remove. When are the fire rings used most heavily – days, nights, weekends, holidays, seasonally? Who is using the fire rings – Newport Beach residents or visitors? Does the city have a reservation system for the fire rings? Has the city considered such a system? Is there a fee or charge for using the fire rings? The application notes that “users of the fire rings have the tendency to burn inappropriate materials such as treated paper or plastic creating toxic smoke.” What restrictions are in place to prohibit the burning of wood pallets, garbage, plastic, or other toxic material in the fire rings? How does the city enforce these restrictions, if they exist?
- **Health and safety:** The city's application states that “fire rings clearly present a health and safety impact to the public...” Has the city conducted an air quality study supporting removal of the fire rings, as suggested by two members of the Parks, Beaches, and Recreation Commission? If so, please provide that information. If not, please explain why such a study was not conducted? Has the city documented the air quality impacts of smoke from the fire rings? Have air samples been taken at the beach or neighboring homes? If so, please provide that information. Is the city relying chiefly on the anecdotal testimony of residents at the two public meetings for evidence of health effects of the fire rings in Newport Beach? What is the distance to the nearest residence from each of the three fire ring locations? How does the city know definitively the source of the smoke in adjacent neighborhoods? Could some of the smoke come from wood burning fireplaces or fire rings associated with private residences? Please provide a copy of the PowerPoint presentation about the fire ring issue presented to the City Council by Recreation and Senior Services Director Laura Detweiler.
- **Alternatives analysis:** Please provide all documentation related to the city's examination and study of alternatives to removal of the fire rings, including: (1) Limiting the hours or days the fire rings could be used; (2) Limiting and enforcing the type of materials burned such as a manufactured fire log that is reported to burn 60% cleaner than wood; (3) Relocating or reducing the number of fire rings. Did the city evaluate the potential effect of dispersing the fire rings? If so, what locations were examined?; (4) Installing natural gas

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fire logs. Please provide information on any other alternatives that were studied or considered.

- **Authority to remove the fire rings:** What authority does the city have to remove the fire rings from Big Corona State Beach? Does removal require approval from California State Parks? Has the city sought such approval? Please provide copies of any correspondence and/or authorization from California State Parks related to removing the fire rings.
- **Does any state or local air quality regulation govern fire rings?** Does any regulation require the removal of fire rings from beaches in Orange County or restrict their use?
- **History of fire rings in Newport Beach:** Recreation and Senior Services Director Detweiler told the Parks, Beaches, and Recreation Commission that fire rings were installed in the 1960s. Where were the fire rings located originally? Has the city removed, relocated, or consolidated the location of the fire rings since they were installed initially? When were the fire rings installed at the current locations in the Balboa Pier area and Big Corona State Beach? Have the fire rings always been concentrated in these three locations or were they previously dispersed to other beach areas? If so, where? What is the city's rationale for concentrating the fire rings at the three current sites?
- **Notice:** The city has supplied us with two boxes of stamped envelopes so we can notify adjacent property owners and residents when the issue will be heard by the Coastal Commission. What distance from the fire rings does your list cover? Is it 100 feet or 500 feet? Does the address list and envelopes contain the names and addresses of all interested parties who spoke about the fire ring issue or submitted written comments to the City Council or Parks, Beaches, and Recreation Commission? If not, please provide that information.

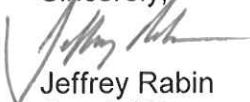
The fire rings are likely a regional attraction, utilized by individuals that live beyond the usual 100 foot notification radius. Pursuant to Title 14, California Code of Regulations Section 13063, the Executive Director has determined that it is reasonable to expect adequate or better notice to interested parties through publication of notice of a hearing in newspapers in lieu of providing mailed notice to all residents, owners and occupants of property located within 100 feet (not including roads) of the perimeter of the parcel(s) on which the proposed development is located. When a hearing is scheduled, Commission staff will contact you with additional information on the required distribution, content and duration of the newspaper notice.

- **Comparable Facilities:** The city says its Coastal Land Use Plan (Policy 3.2.2-3) allows the removal of recreational facilities provided there are comparable facilities and level of service. If the fire rings are removed, please describe specifically what other facilities would be comparable and provide beachgoers the same level of service as the fire rings.

Please do not limit your submittal to the above mentioned items. You may submit any information which you feel may help Commission staff gain a clear understanding of the scope of your project. Upon receipt of the requested materials we will proceed with determining the completeness of your application.

Thank you for your attention to these matters. If you wish to discuss the requirements above, I can be contacted at (562) 590-5071.

Sincerely,



Jeffrey Rabin
Coastal Program Analyst